

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
YOUNGSTOWN, OHIO

IN RE:) CASE NUMBER 17-41454
)
LINDA F. IAMURRI,) JUDGE KAY WOODS
)
Debtor.)

**MOTION TO REINSTATE CASE
AND VACATE ORDER OF DISMISSAL**

Now comes Debtor, LINDA F. IAMURRI ("Debtor"), by and through counsel, and hereby moves this Court to vacate the Order of Dismissal and Reinstate Debtor's Chapter 13 case as follows:

1. Debtor filed a petition for relief under Chapter 13 of the Bankruptcy Code (Doc. #1), identified as case number 17-41454, on July 27, 2017.
2. Trustee filed a motion to dismiss for failure to make the all required payments under the Chapter 13 plan (Doc. #26) on October 17, 2017.
3. The 341 Meeting of Creditors was held on November 1, 2017.
4. Trustee filed an objection to the confirmation of Debtor's Chapter 13 plan for failing to provide a 2015 income tax return (Doc. #32) on November 13, 2017.
5. Debtor and Trustee entered into an agreement to resolve the payment delinquency under the Chapter 13 plan, and an Agreed Order documenting same was submitted to the Court on or about November 14, 2017. Such order was never issued, as the case was dismissed.
6. A hearing was held on November 15, 2017, regarding Trustee's motions.
7. On November 16, 2017, the Court issued and Order dismissing Debtor's Chapter 13 case (Doc #35).
8. Since the issuance of the Order of Dismissal, Debtor has resolved completely the payment delinquency and is current with all Chapter 13 plan payments through December 2017.
9. Specifically, Debtor provided a check for the entire amount of the delinquency to undersigned Counsel. A copy of such check was

emailed to the Trustee on December 8, 2017, and the original check was mailed to Trustee's lockbox on December 11, 2017.

10. Moreover, since the issuance of the Order of Dismissal, Debtor's 2015 Federal and Ohio income tax returns have been completed by Donald W. Samuels, C.P.A./Samuels Financial Services, and filed with the appropriate tax entity.
11. Debtor was tardy in the filing of her 2015 income tax returns due to a variety of issues, including but not limited to, illness, death, and increased workload.
12. Moreover, for the better part of 2017, Debtor was working on a large project out of state, which necessitated her absence from the area for large portions of the year. Debtor's business responsibilities include managing the books, providing estimates, attending meetings, and being the job superintendent, which responsibilities could not be delegated to others.
13. Copies of the 2015 Federal and Ohio income tax returns were emailed to the Trustee on December 13, 2017, thereby resolving any objections to confirmation of the Chapter 13 plan by the Trustee.
14. Reinstatement of Debtor's Chapter 13 case would be in the best interest of all parties.
15. No creditor will be prejudiced in the event that Debtor's Chapter 13 case is reinstated, since the Chapter 13 plan provides for a 100% dividend to all creditors.
16. Debtor has acted in good faith in this filing, and the equities in this case strongly support granting relief.

Wherefore, Debtor, LINDA F. IAMURRI, requests that this Court vacate the November 16, 2017 Order of Dismissal and reinstate Debtor's Chapter 13 case.

Respectfully Submitted,

/s/ John H. Chaney, III

John H. Chaney, III (#0056193)

DANIEL DANILUK, LLC

Attorney for Debtor

LINDA IAMURRI

1129 Niles Cortland Road, S.E.

Warren, Ohio 44484

(330) 609-9999

(330) 609-9990 – fax

ichaney@daniluklaw.com

CERTIFICATE OF SERVICE

The undersigned certifies that on December 22, 2017 a true and correct copy of the foregoing was served via

the Court's electronic case filing system on these entities and individuals who are on the Court's electronic mail notice list:

- **Michael A. Gallo** mgallo@gallotrustee.com, mgallo@ecf.epiqsystems.com
- **United States Trustee** (Registered address)@usdoj.gov
- **John N. Zomoida** John@Anthony-Zomoida.com
- **Lindsey Hall** bankruptcy@weinerlaw.com

And via regular US Mail to all creditors on the mailing matrix.

/s/ John H. Chaney, III

John H. Chaney, III (#0056193)

DANIEL DANILUK, LLC

Attorney for Debtor

LINDA IAMURRI

Label Matrix for local noticing
0647-4
Case 17-41454-kw
Northern District of Ohio
Youngstown
Fri Dec 22 09:13:56 EST 2017

Ally Financial
PO Box 130424
Roseville MN 55113-0004

Amy Clum Holbrook, Esquire
323 West Lakeside Avenue, Suite 200
Cleveland, OH 44113-1009

Daniel Daniluk LLC
1129 Niles Cortland Road
Warren, OH 44484

Dr. Jennifer Baird
4139 Boardman Canfield Road
Canfield, OH 44406-9034

First Federal Credit Control
2470 Chagrin Blvd., Suite 205
Beachwood, OH 44122

Glenn Capouellez
11914 Youngstown Pittsburgh Road
Petersburg, OH 44454-9707

Jerry M. Bryan, Esquire
6 Federal Plaza Central, #1300
Youngstown, OH 44503-1508

Midland Credit Management
ATTN: Bankruptcy
PO Box 60578
Los Angeles, CA 90060-0578

Midland Credit Management
PO Box 2036
Warren, MI 48090-2036

American Tax Funding, LLC
250 Tequesta Drive Suite 306
Tequesta, FL 33469-2765

Ally Financial
PO Box 130424
Saint Paul, MN 55113-0004

Anthony M. Iamurri
1948 Columbiana Road
New Springfield, OH 44443-9751

Diagnostic Cardiology Associates
715 E. Western Reserve Road
Youngstown, OH 44514-3358

Fidelity Collections
220 E. Main Street
Alliance, OH 44601-2423

First Staff, Inc.
4845 Market Street, Suite 6
Youngstown, OH 44512-2100

(p)INTERNAL REVENUE SERVICE
CENTRALIZED INSOLVENCY OPERATIONS
PO BOX 7346
PHILADELPHIA PA 19101-7346

John N. Zamoida, Jr., Esquire
40 South Main Street
Youngstown, OH 44514-1914

Mahoning County Treasurer
120 Market Street
Youngstown, OH 44503-1749

Midland Credit Management, Inc. as agent for
Asset Acceptance LLC
Po Box 2036
Warren MI 48090-2036

U.S. Bankruptcy Court
Federal Building & US Courthouse
10 East Commerce Street
Youngstown, OH 44503-1693

American Tax Funding, LLC
345 Jupiter Lakes Blvd., Suite 300
Jupiter, FL 33458-7100

Asset Acceptance
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Warren, MI 48090-2036

Dr. James Ambrose
3292 Stones Throw Avenue
Youngstown, OH 44514-4213

Fidelity Collections
P.O. Box 2055
Alliance, OH 44601-0055

Glen Capouellez
9919 Delray Street #2
New Middletown, OH 44442-9713

IRS
c/o Bankruptcy Dept
PO Box 7346
Philadelphia, PA 19101-7346

LVNV Funding/MCI
P.O. Box 10497
Greenville, SC 29603-0497

Mercy Health Partners
PO Box 630827
Cincinnati, OH 45263-0827

National City Bank
1300 E, 9th Street, Suite 1900
Cleveland, OH 44114-1593

National City Bank
P.O. Box 85130
Louisville, KY 40285

Ohio Bureau of Workers Compensation
ATTN: Bankruptcy Dept.
30 West Spring Street
Columbus, OH 43215-2256

(p)OHIO BUREAU OF WORKERS COMPENSATION
LAW SECTION BANKRUPTCY UNIT
P O BOX 15567
COLUMBUS OH 43215-0567

Ohio Department of Taxation
P.O. Box 1460
Columbus, OH 43216-1460

Ohio Department of Taxation
P.O. Box 182401
Columbus, OH 43218-2401

Ohio Department of Taxation
P.O. Box 182402
Columbus, OH 43218-2402

Ohio Department of Taxation
P.O. Box 2057
Columbus, OH 43270-2057

(p)OHIO DEPARTMENT OF JOBS AND FAMILY SERVICE
ATTN DONN D ROSENBLUM
P O BOX 182404
COLUMBUS OHIO 43218-2404

Primary Care Associates
7067 Tiffany Blvd.
Youngstown, OH 44514-1981

Radiology Consultants, Inc.
250 Debartolo Place
Youngstown, OH 44512-7004

Radiology Consultants, Inc.
c/o Attorney Caitlyn R. Scheider
526 East Main Street
Alliance, OH 44601-2429

Samuels Financial Services
1280 Boardman Canfield Road
Youngstown, OH 44512-4073

Southwoods Imaging
250 Debartolo Place
Youngstown, OH 44512-7004

St. Elizabeth Boardman
ATTN: Bankruptcy
PO Box 740738
Cincinnati, OH 45274-0738

St. Elizabeth Health Center
8401 Market Street
Youngstown, OH 44512-6725

State of Ohio Dept of Taxation
ATTN: Bankruptcy
PO Box 182402
Columbus, OH 43218-2402

The Center for Women
4139 Boardman Canfield Road
Canfield, OH 44406-9034

Thompson Heating and Cooling
219 North River Road NW
Warren, OH 44483-2295

Tim Tusek, Esquire
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Youngstown, OH 44512-5034

Verizon
by American InfoSource LP as agent
PO Box 248838
Oklahoma City, OK 73124-8838

Weltman Weinberg & Reis Co., LPA
323 West Lakeside Avenue, Suite 200
Cleveland, OH 44113-1009

Youngstown Orthopedic
1499 Boardman Canfield Road
Youngstown, OH 44512-4008

John H. Chaney III
Daniel Daniluk LLC
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Warren, OH 44484

Linda F. Iamurri
1948 Columbiana Road
New Springfield, OH 44443-9751

Michael A. Gallo
5048 Belmont Avenue
Youngstown, OH 44505-1020

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

IRS
ATTN: Bankruptcy
1240 East 9th Street, Room #493
Cleveland, OH 44199

(d)Internal Revenue Service
1240 E. 9th Street
Room 493
Cleveland, Ohio 44199

(d)Internal Revenue Service
P.O. Box 219236, Stop P-4 5050
Kansas City, MO 64121

Ohio Bureau of Workers Compensation
Attn: Law Section Bankruptcy Unit
PO Box 15567
Columbus, OH 43215-0567

Ohio Dept of Job & Family Services
PO Box 182404
Columbus, OH 43218

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)Weltman, Weinberg & Reis Co., LPA
323 West Lakeside Avenue, Suite 200
Cleveland, OH 44113-1009

End of Label Matrix	
Mailable recipients	54
Bypassed recipients	1
Total	55